

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES P. McGRANE and U.S. POSTAL SERVICE,
MORGAN GENERAL MAIL FACILITY, New York, NY

*Docket No. 01-1705; Submitted on the Record;
Issued February 22, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's request for reconsideration.

This case is before the Board for the second time. Previously, the Board found that the Office met its burden of proof, in its February 27, 1998 decision, in terminating appellant's compensation effective July 29, 1997 on the grounds that he had no disability due to his November 7, 1998 employment injury after that date.¹ The facts and history of the prior appeal are incorporated by reference.

In an undated letter received by the Office on January 18, 2001, appellant requested reconsideration of the Office's decision to terminate his compensation. He repeated his previous argument that the opinion of the Office referral physician, on which the Office's February 27, 1998 termination decision was based, was contrary to other medical evidence of record. He also submitted evidence previously submitted and considered by the Office.

By decision dated March 2, 2001, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was cumulative and insufficient to warrant further merit review.

The Board finds that the Office properly denied appellant's request for reconsideration.

The Code of Federal Regulations provides that a claimant may obtain review of the merits of the claim by: (1) showing that the Office erroneously applied or interpreted a specific point of law; or (2) advancing a relevant legal argument not previously considered by the Office; or (3) submitting relevant and pertinent evidence not previously considered by the Office.²

¹ Docket No. 98-1364 (issued April 6, 2000).

² 20 C.F.R. § 10.606(b)(2).

When an application for review of the merits of a claim does not meet at least one of these requirements, the Office will deny the application for review without reviewing the merits of the claim.³

In this case, appellant submitted only argument and evidence previously considered by the Office. Therefore, the Office properly denied his request for reconsideration.

The March 2, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
February 22, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

³ 20 C.F.R. § 10.608(b).